IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Ashkenazi et al.

Attorney's Docket No: 39780-2630P1C4

Serial No:

09/978,191

Group Art Unit: 1647

Filed:

October 15, 2001

Examiner: O Hara, Eileen B

For:

SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC

ACIDS ENCODING THE SAME

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

<u>DECLARATION OF AUDREY GODDARD, Ph.D.,</u> <u>PAUL J. GODOWSKI, Ph.D., AUSTIN GURNEY, Ph.D.,</u> <u>and WILLIAM I. WOOD, Ph.D.</u> <u>UNDER 37 CFR 1.131</u>

We, Audrey Goddard, Ph.D., Paul J. Godowski, Ph.D., Austin Gurney, Ph.D., and William I. Wood, Ph.D. do hereby declare and say as follows:

- 1. We are the inventors of the above-identified application.
- 2. We have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by Holtzman *et al.*, U.S. Published Patent Application 20020028508, with effective priority date April 23, 1998 (09/065,363), and Sheppard *et al.*, U.S. Published Patent Application 20020028508, with effective priority date June 18, 1997 (09/050,143)
- 3. We conceived and reduced to practice the polypeptide comprising an amino acid sequence of residues 35-273 of SEQ ID NO:506 claimed in the above-identified application in the United States prior to June 18, 1997.
- 4. At the time the above polypeptide was cloned and sequenced, one of the inventors, Austin Gurney, was responsible for overseeing the cloning of cDNAs which encoded novel polypeptides, including the cDNA encoding the polypeptide comprising an amino acid sequence of residues 35-273 of SEQ ID NO:506.

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- 5. At the time the above polypeptide was cloned and sequenced, one of the inventors, Audrey Goddard, was, and still is, responsible for overseeing the sequencing of nucleotides encoding novel polypeptides, including the polypeptide having an amino acid sequence of residues 35-273 of SEQ ID NO: 506 as claimed in the above-identified application.
- 6. At the time the nucleotide encoding the above polypeptide was cloned and sequenced, one of the inventors, William I. Wood, was, and still is, responsible for overseeing the homology searches for novel polypeptides, including that for the polypeptide having an amino acid sequence of residues 35-273 of SEQ ID NO: 506 as claimed in the above-identified application.
- 7. A cDNA clone, referred to as DNA30943-1163 in the above-identified application, was identified as encoding the claimed polypeptide.
- 8. The full length sequence of the cDNA clone, DNA30943-1163, is shown in Figure 1 of the above-identified application. The amino acid sequence of the claimed polypeptide is shown in Figure 213 (residue 35-273 of SEQ ID NO: 506). The cDNA sequence encoding the claimed polypeptide has 722 nucleotide residues and is shown in Figure 212 (nucleotides 500-1222 of SEQ ID NO: 505) of the above-identified application. The claimed polypeptide has 238 amino acid residues, and is only slightly different from PRO213 at the N-terminal. That portion of PRO213, which overlaps with the claimed polypeptide of the above-identified application, is significantly homologous with the human growth arrest-specific 6 (gas6) protein.
- 9. Copies of the pages from the GSeqEdit database which report the cloning, sequencing and functional data for the PRO213 polypeptide sequence, including its homology to human gas6, as well as the cloning, and sequencing data for the nucleic acid sequence encoding the PRO213 polypeptide are attached to this declaration (with the dates redacted) as Exhibit A. PRO213 comprises the amino acid sequence of residues 35-273 of SEQ ID NO: 506 as claimed in the present invention.
- The GSeqEdit report shows the full-length nucleic acid sequence for DNA30943-1106 (identified as "DNA30943") and the full-length PRO213 polypeptide encoded

by DNA30943. Both the DNA30943 and the PRO213 polypeptide sequences and the homology of PRO213 to human gas6 were obtained prior to June 18, 1997.

- 11. The DNA sequence of nucleotides 498 to 1216 of the DNA 30943 sequence shown in the GSeqEdit report is identical to that of nucleotides 500-1222 of SEQ ID NO:505 disclosed in the above-identified application.
- 12. The beginning of the cDNA sequence corresponding to nucleotides 500-1222 of SEQ ID NO:505 in the above-identified application is shown on page 6 of the GSeqEdit database report. The location of nucleotide 500 of SEQ ID 505 is marked with an arrow. The location of the nucleotide 1222 of SEQ ID NO:505 is shown on page 12 and is marked with an arrow.
- 13. The sequence of amino acid residues 54 to 295 of PRO213 polypeptide shown in the GSeqEdit report is identical to that of amino acids 35-273 of SEQ ID NO: 506 disclosed in the above-identified application.
- 14. The amino acid residues 35 to 273 of SEQ ID NO: 506 are shown in the GSeqEdit report starting on page 6 and continuing until page 12 of the report.
- 15. Exhibit A clearly shows that both the amino acid sequence of amino acids 35 to 273 of SEQ ID NO: 506 and the nucleotide sequence encoding thereof disclosed in the above-identified application, as well as the homology of the claimed polypeptide to human gas 6 were obtained prior to **June 18, 1997**.
- 16. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Audrey Goddard	Date	_
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Paul J. Godowski, Ph.D.	Date	

Austin Gurney, Ph.D.	Date
William I. Wood, Ph.D.	Date

SV 2065805 v1 10/4/04 12:26 PM (39780.2630)

>Wednesday, September 22, 2004

>DXA30943 [Full]

>1077 Sites [All Sites]

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fnuDII/mvnI

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sau96I[M.haeIII-]

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banII [M.haeIII-] ilso styI

draIII

sau96I[M.haeIII-] rlaIV apaI bsaJI

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Ilum	bseRI	<pre>bpmI/gsul;dcm-]</pre>	scrFI[dcm-] sau96I	pspGI tseI avaII	mval fnu4HI/bsoFI	ecoRII[dcm-] ppuMI	dsaV[dcm-] pvuII[M.H]	bstNI bbvI nlaIV	bssKI[dcm-] aluI eco01091/dr	apyI[dcm+] mspAll/nspBII	110] GACCCCEGCA SCCTCCTGGT GCACTCCTTC CAGCAGCTCG GCGCCATCGA CTCCCTGAGC GAGCAGATTT CCTTCCTGGA GGAGCAGCTG GGGTCCTGCT
		aciI	fnu4HI/bscFI	[pleI	eagI/xmaIII/eclXI	I mlyI	alul haeIII/pall cac8I	: hinfi[M.taqI-]	fnu4HI/bsoFI taqI ddeI	II sfaMI bspCNI	SCGCATCGA CICCCTGAGC GAGCAGAIT
scriilden-		oFI	mvaj hpyCH4v f	ecoRII[dcm-] mcrI	asaV[dcm-] eagI	scrII(M.hpaII-) apaLI/snoI	bstNI aluI hae	bssKI[dcm-] tsel cfr[apyI[dcm-] fnu4HI/bso	mnll alw441/snol bbvI bsiEI sfaMI	cresi scaciccire cascascics s
w	tseI p	fnu4HI/bsoFI	m _vod	e Idsu	hpali	scrII(M.hpaII	lion	ása? b	bssXI a	bsacI mnll	1101 GACCCCGGCA GCCTC

CIGGGGCCGT CGGAGGACCA CGTGAGGAAG GTCGTCGAGC CGGCGTAGCT GAGGGACTCG CTCGTCTAAA GGAAGGACCT CCTCGTCGAC CCCAGGACGA

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							hpy1	sau96I	avall	nlaIV	36666100	CCCCAGG
							nlaIII	IHdsu	bstXI	Idsu lowm	GCCCAACATG CTC	CGGGTTGTAC GAC
					bsoFI		,		<u>-</u>	nlalII	CCATGCCCCT	GGTACGGGGA
•				tseI	fnu4AI/bsoFI	Ivdd	hpyCH4V	sfcI	acil pst[M.H1-]	fnu4KI/bsoFI	CCTGCAGCCC	GGACGTCGGG
									acil		CACGCCGC	GTGCGGCG
	•				IOMI	bsp1286	bmyI	banII	ddeI	bspCNI mnli	TGAGCCC CT	ACTCGGG GA
scrFI[dcm-]	ISqsq	mvaI	ecoRII dcm-	dsaV[dcm-]	bstNI	pslI	mwol bssKI[dcm-] bmyI	hinPI apyl(dcm+) banII	hhaI/cfo; d	raell bsaJI b	1201 CCTGCAAGAA AGACTCGTGA CTGCCCAGCG CCCCAGGCTG GACTGAGCCC CTCACGCCGC CCTGCAGCCC CCATGCCCCT GCCCAACATG CTGGGGGTCC	EGACCTICII ICIGAGCACI GACGEGICGC GGGGICCGAC CIGACICGGG GAGIGCGGCG GGACGICGGG GGIACGGGGA CGGGIIGIAC GACCCCCAGG
						8III	WILL .			дае	A CIGCCCAGO	r sacceerce
						inpy188III	bssSI	piel tsp45I	mlyI maeIII	hinf:	AGACTCGTG	TCTGAGCAC
										hoyCHdV	CCTGCAAGAA	SGACGTICTI
											1201	,

hpy1 sau96I avall

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mvaI

ecoRII[dcm-]

csaV[dcm-]

bssXI[dcm-] bstNI

ball[dcm-j

apyI[dcm+]

bslī

bsaJI

earI/ksp632I

bstNI ecoOl091/dralI

sau96I[M.haeIII-]

ecoRII[dcm-]

dsaV[dcm-]

haeIII/palI

pspGI mvaI

scrFI[dcm-]

alw261/bsmAI alwNI[dcm-]

fokI

hpy188III

pflMI[dcm-] nlaIV

nlaIII bslI[dcm-]

Ilum Ilasd Ilad Ilum Ilodm Ilum

bslI avaI mrlI bseRI

malI

bseRI

mulI bssKI[dcm-]

1301 AGAAGCCACC TCGGGGGAAC TGAGCGGAAG GCCAGGCAGG GCCTTCCTCC TCTTCCTCCT CCCCTTCCTC GGGAGGCTCC CCAGACCCTG GCATGGGATG

apy1[dcm+]

haeIII/palī

tsp45I acil maeIII bsrBī Phil bspcNI

bsacī

1:sq

ddeI

avai mill

ICTICEGISE ACCOCACIE ACTOGOCTIC CEGIOCETOC CSGAAGGAGG AGAAGGAGGA GOGGAAGGAG COCTOCGAGG GETOTEGGAC CETACOCIAC ^edit T to C -goddarda 6/8/98

'deleted a C -goddara 6/8/98 edit G to C -goddarda 6/8/98^

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pspOMI/bsp1201	nlaIV	scrFI[dcm-]	pspGI ecoOl091/drall	
rlaTV	kpnI	banI	asp718	

	scrFI[dcm-]	mvaI	bsp1286[N	mval bsp1286[M.haeIII-;	88
	Ibqsq .	ecoRII[dcm-]	[dcm-]		និង
- L	mval rsal	dsaV[dcm-]	cm-]		, ig
	ecoRII(dcm-)	bstNI bmyI	bmyI	ddeI[M.aluI-]	ဝင
	dsaV[dcm-]	bssKI[dcm-]	gcm-]	DSPCMI	sq
[-uc	bstNI	Icwu	mwol barl![M.haelII-]	aeIII-]	рз
<u></u>	basKI[dcm-j	sfil[dcm-]		pvuli	Щq

odel[M.aluI-] ec		bspCNI bs	bspCNI [M.haeIII-] pvtII		q H	pBII - rsa
bstNI bmyI	basKI [ccm-]	mwol barl![M.haelII-]	mwol barli sfil[dcm-]	<pre>mwol banl![M.haelli-] sfil[dcm-] pvtll foxI styl bgll[M.haelli-] mspAll/napBII</pre>	<pre>mwol barl![M.haelII-] sfil[dcm-] pvtII foxI styl bgll[M.haelII-] mspAll/napB bstF51 haelII/pall ddel[M.aluI-]</pre>	mwol barl![M.haeIII-] sfil[dcm-] pvtII foxI styl bgll[M.haeIII-] mspAll/na; bstF5I haeIII/pall ddeI[M.aluI- sfaNI bsll[dcm-] apal bspCNI mnlI
_	dsav(dcm-)	dcm-] batni	_	_	_	<pre>bstNI bssKI[dcm-j bsaJI apyI[dcm+] bslI bsaJI csp6I</pre>
pspGI	mval	ecoRII [dcm-	ecoRII[dcm dsaV[dcm-]	ecoRII[com dsaV[dcm-] bstNI	ecoRII[dcm-dsaV[dcm-]bstNI	ecoRII[dcm dsaV[dcm-] bstNI bssKI[dcm-
110411	SALSAT		rbol/rdell[dam-]	rbol/rdeII[dam-] dprII[dam-]	rboI/ndeII[dam-] dpnII.dam-] dpnI[dam+]	<pre>abol/rdell[dam-] dprII dam-] dpnI[dam+] bstYI/khoII tfiI</pre>

1401 GECTGGGATC ITCICIGIGA ATCCACCCCT GGCTACCCCC ACCTGGGTA CCCCAACGC ATCCCAAGGC CAGGTGGGCC CTCAGCTGAG GGAAGGTACG COGACCCTAG AAGAGACACT TAGGIGGGGA CCGATGGGGG TGGGACCCAT GGGGTTGCCG TAGGGTTCCG GTCCACCCGG GAGTCGACTC CCTTCCATGC ^edit T to C -goddarda 6/8/98 *edit T to C -goddarda 6/8/98

^edit T to C -goddarda 6/8/99

sa::96I

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ava_I

SanDI

IMr.ad

nlaIV

Iosm

tsel hpall eco0169:/draII

bbvI scrFI[N.hpaII-] fnu4HI/bsoFI nlaIII scrFI[dcm-; pspGI

scrFI[dcm-] styl mvaI

nciIpspGI ecoRII[dcm-]

tspRI

ddeI

dsaV mvaI dsaV[dcm-]

Mrll bslI ecoRII[dcm-] dsaV[dcm-] rcol bssKI[dcm-] bstNI

bsaJI

fnu4HI/bsofī

tseI

tseI

haeIII/pall batwi basKI dsaI

sau96I[M.haeIII-] bbvI bssKI[dcm-] mnl1 apy1[dcm+]

fnu431/bsoFI Ivqq eco01091/draII nlaIV bspCNI nlaIV bsm?I btgI/bstDSI apyI[dcm+] bsaXI haeIII/pall bsll IJesq [-wob]Insb/Iwdo

1501 AGUICCIGE IGENGECIGG GACECAIGGE ACAGGCCAGG CAGCCCGGAG GCIGGGIGGG GCCICAGIGG GGGTGCTGC CIGACCCCCA GCACAAIAAA TCGAGGGACS ACCTOGGACO CIGGGIACOG TGTCCGGTCC GTCGGGCCTC CGACCCACOC CGGAGTCACC CCCGACGACGACG GACTGGGGGT CGTGTTATII

^edit T to C -goddarda 6/8/98

^deleted a C -goddarda 6/8/98

rmaI

RaeI

plei

acii mlyI

fnu4XI/bsoFI

styl

aciI

haeIII/pall

hinfI

mcrI

mwol nlall fnu4HI/bso

hpyCH4V eagl/xmalll/ec:XI sail

sfil ncol[M

cfrI fnuDII/mvnI hincII/hindII[M.taqI-] afcı eael thal xbal pleI

pstI mlyI

btg1/b

dsaI

cfrI noti bstUI hpy188III bspMI drdI baiEI

fnu4HI/bso7I bfaI accI[M.taqI-; aluI haeIII/pal] bsaJI

acil bsh1236I hinfIiM.taqI-] hindIII bglI[M.hae

1601 AATGAAACGT GAAAAAAAA MAMAAAAAA AAAAAAAA AABAAAAAA AAAGGGCGGC CGCGACTCTA GAGTCGACCT GCAGAAGCTT GGCCGCCATG

maeII/hpyCH4IV

tail

altI

tseI

fnu4HI/bsoFI

lisq Ivdd

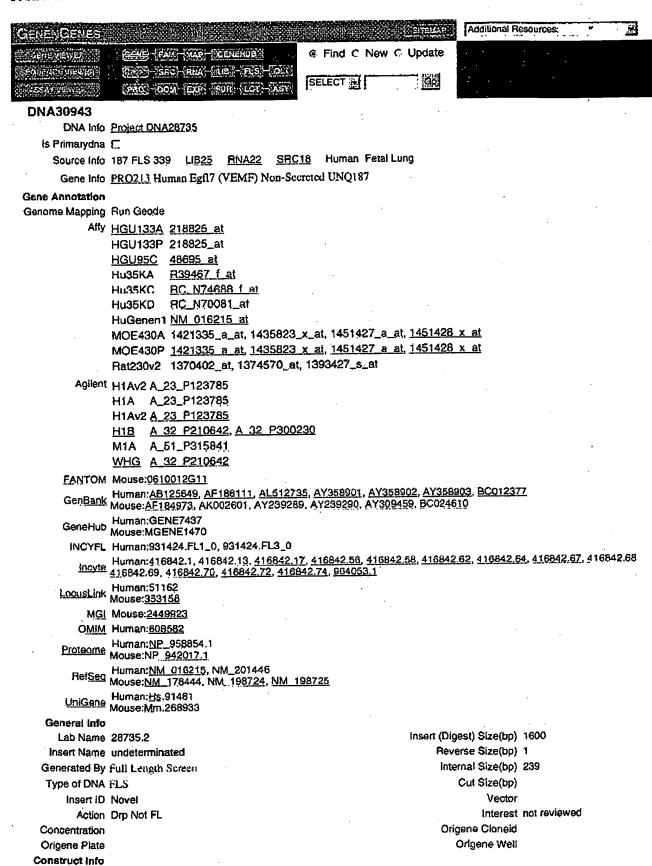
maeIII hpyCH4V 1701 GCCCAACTIG TTTATIGCAG CTTATAATGG TTACAAAT

CEGGITGAAC AAAIAACGIC GAAIAIIACC AAIGIITA

> Length: 1738

acc651 (GGTACC):

1447



Exp System

Sequence Status

Tag

Bases to Sequence

Antibody Info No antibody info Transgenic Animal Model Other Info : In Situ image available **QLI5288** OL15289 OLI5290 OLI5572 30943.f1 30943.f2 <u>OLI</u>5573 Oligos OL17839 30943.tm.f1 30943.tm.r1 **OLI7840** 30943.tm.p1 OL17841 QL17845 30943.tm.f3 OL17846 30943.tm.r3 **OLI7847** 30943.tm.p3 Comments Date Annotation Login Entered homolog to an unknown human protein and to gas6. The mouse protein with 40 % identity clearly has a signal đtb sequence wheras this clone does not. I think the clone is suspect.-ALG Sequencing in clone 64908 allowed us to correct three sequencing errors in 30943 which lie in the 5' UTR of the gene. However the presence of these errors caused us to identify the wrong 5 and of the ORF in the gene. goddarda Sequence was flagged as poor quality during proofreading. Tried to rerun reactions with Big DYE chemistry, but too little DNA - signal unreadable. Requested more DNA 2/98. Never received -goddarda goddarda amplifiedcolon tumors and to a lesser extent in lung tumors-TaqMan assay goddarda Clone 30943 from plasmid inventory plate is verified correct through partial sequencing Legal Status No legal status Date Entered A Scientist Daryl Baldwin Date Updated February 14, 2003 Notebook 0 **Date Completed** Page **Date Canceled** Storage Location Cancel Reason Rox Siot Clone Status not reviewed Sequence Status Inventory Status Sent to pLASMID Archive Clone Verified **Project Member** No Project member generated **FLS FLSDNA** No FLS, FLSDNA generated **Exp Construct** EXP Lab Name Construct DNA System Baculovirus EXP7559 Protein Engineering DNA346527 ABI **AB!** Plate ABI Run.Lane Date Sequenced ABI512.31 04/07/1997 ABI512.32 04/07/1997 ABI512.33 04/07/1997 ABI512.34 04/07/1997 ABI512.35 04/07/1997 ABI812.30 10/06/1997 ABI812.31 10/06/1997 ABI1055.40 02/10/1998

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MA Plate Well Num
PLT129 25

Well Location

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02/11/2000

Date 08/11/1999 1252

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